

REMARKS

Claims 50-71 are pending, with claims 50, 58, 66, 70, and 71 being independent. Claims 4-6, 17, 18, 24-26, 35, and 37-49 have been cancelled without prejudice or disclaimer of subject matter. Claims 50-71 have been added. Support for the new claims may be found throughout the application, for example, at page 8, line 12 through page 12, line 17. This amendment is being filed concurrently with a Request for Continued Examination.

Claim Rejections: 35 USC § 103

Claims 4-6, 17, 18, 24-26, 35, and 37-49 were rejected as being unpatentable over some combination of Kumar (U.S. Patent No. 6,757,836), Davis (U.S. Patent No. 5,877,724), Murata (U.S. Patent No. 6,314,464), Morita (U.S. Patent No. 6,310,859), and Juels (U.S. Patent No. 7,197,639). Applicants have cancelled claims 4-6, 17, 18, 24-26, 35, and 37-49 without prejudice or disclaimer of subject matter, thereby rendering these rejections moot.

New Claims

New independent claim 50 recites, among other things, based on a determination that a first connection transaction request that requests access to a first access providing host resulted in a partially-completed connection transaction that reached a time out condition prior to receipt of an acknowledgement corresponding to the first connection transaction request, blocking, at an intermediary device, a second connection transaction request that requests access to a second access providing host to prevent the second connection transaction request from reaching the second access providing host. Applicants submit that none of the cited references, taken alone or in combination, describe or suggest at least this feature.

Specifically, Kumar describes a clustered computing system configured to detect when the clustered computing system loses full connectivity and shut down one or more nodes of the system to regain full connectivity. See Kumar at Abstract. In monitoring connectivity of nodes in the clustered computing system, the Kumar system does not block, using an intermediary device, a second connection transaction request that requests access to a second access providing host to prevent the second connection transaction request from reaching the second access providing host based on a determination that a first connection transaction request that requests

access to a first access providing host resulted in a partially-completed connection transaction that reached a time out condition prior to receipt of an acknowledgement corresponding to the first connection transaction request. Rather, the Kumar system is directed to diagnosing previously-established connections based on connectivity messages sent over the previously-established connections.

Davis describes a modem that stops attempting to establish a connection with a host when the attempt to establish the connection exceeds a predetermined period of time. See Davis at col. 11, lines 17-25. Thus, because the Davis modem stops attempting to establish a connection on its own initiative, Davis fails to describe or suggest blocking, at an intermediary device, a second connection transaction request that requests access to a second access providing host to prevent the second connection transaction request from reaching the second access providing host based on a determination that a first connection transaction request that requests access to a first access providing host resulted in a partially-completed connection transaction that reached a time out condition prior to receipt of an acknowledgement corresponding to the first connection transaction request.

Murata is directed to reserving resources in establishing multicast communication sessions. See Murata at col. 1, line 20 through col. 2, line 2. Specifically, Murata outlines a process by which networked resources are allocated to requesting processes using a multiple step handshake process, but it does not deal with failure to complete the handshake, nor blocking subsequent requests when such a failure is detected. See Murata at col. 1, line 20 through col. 2, line 2 and col. 10, lines 23-61. Therefore, Murata fails to describe or suggest blocking, at an intermediary device, a second connection transaction request that requests access to a second access providing host to prevent the second connection transaction request from reaching the second access providing host based on a determination that a first connection transaction request that requests access to a first access providing host resulted in a partially-completed connection transaction that reached a time out condition prior to receipt of an acknowledgement corresponding to the first connection transaction request.

Morita discloses monitoring resource usage after a connection has been established (e.g., to detect when a user stops communicating over a dedicated connection) and severing an existing connection in response to detecting a lack of utilization. See Morita at col. 2, lines 31-65 and

col. 11, lines 40-67. As such, Morita assumes proper configuration/setup of a connection, and is not believed to address partially-completed connection transactions, much less blocking subsequent connection requests based on a previously received connection request that resulted in a partially-completed connection transaction that reached a time out condition. Accordingly, Morita fails to describe or suggest blocking, at an intermediary device, a second connection transaction request that requests access to a second access providing host to prevent the second connection transaction request from reaching the second access providing host based on a determination that a first connection transaction request that requests access to a first access providing host resulted in a partially-completed connection transaction that reached a time out condition prior to receipt of an acknowledgement corresponding to the first connection transaction request.

Juels describes a system that imposes some minimal computational activity on an access requesting client device to maintain an open connection with a server. See Juels at col. 11, line 36 though col. 12, line 3. By requiring that the client device perform some minimal computational activity to maintain an open connection, the Juels system imposes a computational burden on the client device to maintain open connections with the server and, thereby, deters/limits the client device from maintaining a large number of open connections with the server. See id. Although the Juels system imposes a burden on the client device to maintain open connections, the Juels system does not block, at an intermediary device, a second connection transaction request that requests access to a second access providing host to prevent the second connection transaction request from reaching the second access providing host based on a determination that a first connection transaction request that requests access to a first access providing host resulted in a partially-completed connection transaction that reached a time out condition prior to receipt of an acknowledgement corresponding to the first connection transaction request. Rather, the Juels system would allow the second connection request and merely impose, without blocking the request, an additional computational burden on the requestor for the second connection request. Thus, Juels fails to describe or suggest blocking, at an intermediary device, a second connection transaction request that requests access to a second access providing host to prevent the second connection transaction request from reaching the second access providing host based on a determination that a first connection transaction request

that requests access to a first access providing host resulted in a partially-completed connection transaction that reached a time out condition prior to receipt of an acknowledgement corresponding to the first connection transaction request.

For at least these reasons, Applicants respectfully submit that none of the cited references, taken alone or in combination, describes or suggests all of the features of new independent claim 50. Accordingly, Applicants submit that independent claim 50 and its dependent claims are allowable.

Independent claim 58, although different in scope from claim 50, recites features similar to independent claim 50, but does so in the context of a networking device. Accordingly, for at least the reasons discussed above with respect to claim 50, Applicants submit that independent claim 58 and its dependent claims are allowable.

New independent claim 66 recites, among other things, comparing, using an intermediary device, observed information identifying a requestor to stored information identifying previous requestors, of a first access providing host as well as of other access providing hosts, that are determined to have submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request, and, when the comparison reveals that the requestor has submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request, denying, using the intermediary device, an access request submitted by the requestor while denying passage of the access request to the first access providing host. For reasons similar to those discussed above with respect to independent claim 50, Applicants submit that none of the cited references describe or suggest these features and submit that new independent claim 66 and its dependent claims are allowable.

Independent claims 70 and 71, although different in scope from claim 66 and each other, recite features similar to independent claim 66, but do so in the context of a networking device and a storage medium. Accordingly, for at least the reasons discussed above with respect to claim 66, Applicants submit that independent claims 70 and 71 are allowable.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its cancellation.

Pursuant to 37 CFR §1.136, Applicants hereby petition that the period for response be extended for two months to and including August 25, 2008.

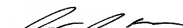
Applicants submit that all claims are in condition for allowance.

The fee in the amount of \$1270.00 in payment of the two-month extension of time fee (\$460) and the RCE fee (\$810) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

8/25/2008



Jeremy J. Monardo
Reg. No. 58,680

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945